

1 September 2017

New Zealand thanks the Secretariat for the invitation to provide relevant information and views related to the proposals for new and emerging issues, communicated in its notification Ref SCBD/OES/DC/RH/84326 of 20 June 2017.

New Zealand underlines the importance of the criteria established in Decision IX/29 paragraph 12, and underscores the importance of the request in Decision IX/29 paragraph 11, that proposal for emerging issues should, where possible, be accompanied with specific information. It is notable that only one of the proposals received has been assessed by the Secretariat as meeting that request. New Zealand reserves its final position with respect to an assessment of the proposals submitted, but provides interim views in order to respond according to the Secretariat's deadline.

With respect to the proposal relating to the "Environmental and social consequences of forced migration", New Zealand agrees with the Secretariat's observation that any future work should take into account activities of, and avoid duplication with, the various UN agencies and processes listed. In that context, New Zealand finds it difficult to comment further on the merits of the proposal, without more detailed information. This more detailed information would ideally include evidence of the absence or limited availability of tools to limit or mitigate the negative impacts of the identified issue on the conservation and sustainable use of biodiversity. This would assist to determine whether the appropriate action to address this is indeed its identification of this issue as a new and emerging issue, or whether the appropriate action might rest elsewhere.

With respect to the submission from the University of the South Pacific regarding legislative and regulatory frameworks to govern bioprospecting and use of digital sequence information, New Zealand acknowledges the concerns that the submission expresses regarding the establishment of legislative and regulatory frameworks governing bioprospecting. Noting that the submission calls for regional and national action, as well as the mainstreaming of bioprospecting into national

development policies, New Zealand suggests that the activities proposed by the submission would be more appropriately considered as capacity building, rather than as a new and emerging issue.

New Zealand notes with interest the submission entitled Marine Dust from the Sahara Desert in Africa Nourishing the Mighty Amazon Rainforest of South America, but observes that, in New Zealand's view, the submission does not meet the criteria established in Decision IX/29 paragraph 12. The submission does not meet the criteria in sub-paragraphs (a), (b), (c), (e), (f) or (g).

The Secretariat has also requested (in paragraph 5 of its notification) comments on a number of questions on the process for the identification of new and emerging issues. New Zealand does not, in this submission, provide comment on whether there are adjustments to the criteria that should be considered, or whether there are additional criteria that should be added (questions (c) and (d)). The Secretariat has, however asked:

- (a) Should paragraph 12 of decision IX/29 be understood as implying that an issue qualifies only if all seven criteria are fulfilled or can it qualify if some of these criteria are fulfilled?
- (b) Should paragraph 12 of decision IX/29 be understood as implying that an issue qualifies only if it has potential negative consequences for the conservation and sustainable use of biodiversity (risk, impact) or can it qualify if it focuses on opportunities to advance the conservation and sustainable use of biodiversity?

On question (a), New Zealand's view is that the criteria are designed to be considered as a whole, in order to identify issues that are significant enough to warrant being placed formally on the agenda of the Subsidiary Body on Scientific, Technical and Technological Advice. New Zealand notes the background to the establishment of the criteria, including the expressed need to reduce the number of agenda items for consideration by the Subsidiary Body at each meeting in order to improve the effectiveness of its proceedings. The criteria themselves are not necessarily all expressed in a way that enables a clear judgement to be made as to whether they have been fulfilled or not. Accordingly, New Zealand's view is that question (a) as it is expressed cannot be explicitly answered. Rather, it is New Zealand's view that there needs to be enough information for the Subsidiary Body to consider all the criteria and for Parties to form a collective view, weighing all those criteria, as to whether the inclusion of any proposal warrants being included on the agenda as a new and emerging issue. For any particular proposal, some aspects of the criteria may be stronger than others, but all should be addressed.

In this context, New Zealand considers both (i) that the guidance given in paragraph 11 of Decision IX/29 on the provision of information is extremely important and (ii) that any proposal

should clearly address the criteria set out in paragraph 12 of Decision IX/29. As noted above, the majority of current proposals do not do this.

On question (b), New Zealand notes that sub-paragraph 12 (e) of Decision IX/29 makes specific reference to the negative impacts of the identified issue, and sub-paragraph 12 (c) refers to the urgency of addressing the “risk”. New Zealand considers that this points to the intention of parties being focused on negative impacts. While inclusion of an issue with positive impacts could not be ruled out, the question for the parties would be whether to decide overall, considering all the criteria, such an issue warranted the attention of the Subsidiary Body and/or whether there were other ways of addressing it.